

Appendix F – Documents Cited in Graham Affirmation

Source¹	Paragraph	Previous Use	Cited in Other Affidavits, Declarations, or Filings	Reasons Inadmissible and/or Immaterial²
Committee Activities, Special Report of the Select Committee on Intelligence of the United States Senate, January 6, 1999 through December 15, 2000, August 2, 2001, available at: https://www.intelligence.senate.gov/sites/default/files/publications/10751.pdf	7 n.1			
Unclassified Version of Director of Central Intelligence George J. Tenet's Testimony Before the Joint Inquiry into Terrorist Attacks Against the United States, June 18, 2002, available at https://www.cia.gov/newsinformation/speeches-testimony/2002/dci_testimony_06182002.html	20 n.2			Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Final Report ["9/11 Report"]	23, 24, 28, 29, 32-34, 38-42, 44, 49, 56	Averment	Rapawy Exs. 1-3	Generally admissible. As cited in paragraph 42, inadmissible due to hearsay, FRE 602, and preliminary investigative material

¹ Document descriptions, other than bracketed text indicating commonly-used short-form descriptors, are taken directly from the Affirmation. Their use is for convenience only and should not be taken as a concession that the descriptions are accurate.

² Defendant's objections to the cited documents are made for purposes of the pending motion to dismiss. Defendant reserves the right to move to exclude, or to assert additional objections, in the event that any party seeks to admit any of the cited documents into evidence in any future proceeding.

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2012 FBI Summary of PENTTBOM Investigation [“Florida Bulldog Memorandum”]	34, 39, 41, 44, 49, 64, 71		Consol. Am. Compl. Appx. 3 (ECF No. 3463-4); Kreindler Ex. 2; Tarbutton Ex. 10	Hearsay, FRE 602, FRE 901, Preliminary investigative material
Joint Inquiry Report [pages 415-443 constitute “Part Four” or the “28 pages”]	36, 45, 60, 65-68		Consol. Am. Compl., Appx. 2 (ECF Nos. 3463-2-3); Kreindler 13; Tarbutton Ex. 12	Hearsay, FRE 602, Preliminary investigative material
Joint Inquiry Report [“Joint Inquiry”]	40	Averment		Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Memorandum for the Record, Interview of FBI Special Agent, November 17, 2003	40, 45	Aver. Ex. 33 (ECF No. 2930)	Kreindler Ex. 12; Tarbutton Ex. 26	Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Memorandum for the Record, Interview of Omar al-Bayoumi, October 18, 2003	40	Aver. Ex. 30 (ECF No. 2930)	Kreindler Ex. 6; Tarbutton Ex. 23	Hearsay, FRE 602, Preliminary investigative material
September 26, 2001 FBI Report, <i>Anwar Nasser Aulaqi</i>	40	Aver. Exs. 54-55 (ECF No. 2930)	Tarbutton Exs. 71-72	Hearsay, FRE 602, FRE 901, Preliminary investigative material
April 11, 2002 FBI Report, <i>PENTTBOMB</i>	43	Aver. Ex. 63 (ECF No. 2930)	Kreindler Ex. 11; Tarbutton Ex. 46	Hearsay, FRE 602, FRE 901, Preliminary investigative material
U.S. Intelligence Report, <i>Connections of San Diego PENTTBOMB Subjects to the Government of Saudi Arabia</i>	45	Aver. Exs. 37-39 (ECF No. 2930)	Tarbutton Exs. 38-40	Hearsay, FRE 602, FRE 901, Preliminary investigative material

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9/11 Commission Memorandum from Dieter Snell, Raj De, and Mike Jacobson to Philip Zelikow, February 25, 2004	47		Tarbutton Ex. 33	Hearsay, FRE 602, Preliminary investigative material
<i>Declassified Documents Detail 9/11 Commission's Inquiry Into Saudi Arabia</i> , Philip Shenon, The Guardian, May 13, 2016, available at https://www.theguardian.com/us-news/2016/may/13/september-11-saudi-arabia-congressional-report-terrorism	47			Hearsay, FRE 602, Preliminary investigative material
9/11 Commission Memorandum for the Record, Interview of Osama Basnan, October 22, 2003	48	Aver. Ex. 34 (ECF No. 2930)	Tarbutton Ex. 27	Hearsay, FRE 602, Preliminary investigative material
Saudi Arabia's Curriculum of Intolerance, With Excerpts From Saudi Ministry of Education Textbooks, Center for Religious Freedom of Freedom House and Institute for Gulf Affairs, 2006 (Available at https://www.hudson.org/content/research/attachments/attachment/907/crf_saudireport_2006.pdf)	57			Hearsay, FRE 602
State Department's Country Reports on Human Rights Practices for 2000	69 n.4			Hearsay, FRE 602